REMARKS

Claims 17 - 29 are presently pending. In the above-identified Office Action, the Examiner rejected Claims 17 and 21 – 29 under 35 U.S.C. § 103(a) as being unpatentable over Izadpanah *et al.* (U.S. Patent No. 6,560,213), hereinafter 'Izadpanah' in view of Dutta (U.S. Patent No. 6,301,232). Claims 18 – 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izadpanah in view of Dutta and further in view of Marko *et al.* (U. S. Patent No. 6,154,452), hereinafter 'Marko'.

For the reasons set forth more fully below, the present Application is submitted as properly presenting Claims patentable over the prior art. Reconsideration, allowance and passage to issue are respectfully requested.

As previously noted, the present invention addresses the need in the art for a system and method for distributing satellite digital audio radio service to a plurality of receivers that are not independently mobile relative to each other. The inventive system includes a satellite antenna and a radio frequency (RF) satellite receiver. In the best mode, the RF satellite receiver is a terrestrial repeater. The repeater decodes a stream of data received from the satellite and recodes the stream using an intermediate frequency satellite radio terrestrial broadcast format. In the best mode, the signal is an intermediate frequency signal in the XM radio, multi-carrier modulation (MCM) format.

The recoded signal is rebroadcast by the repeater via a distribution network and received by a plurality of intermediate frequency (IF) receivers. The distribution system may be wireless, cable, or fiber optic. In the illustrative embodiment, the IF receivers are modified conventional satellite digital audio radio service receivers. A user interface is provided for each IF receiver to allow for channel selection and audio processing.

The invention is set forth in Claims of varying scope of which Claim 29 is illustrative. Claim 29 recites:

> 29. A satellite digital audio radio multipoint distribution system comprising:
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> a satellite antenna for receiving a satellite digital audio radio signal;
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> a terrestrial repeater connected to said antenna for decoding said satellite signal and recoding said signal into an intermediate frequency (IF) satellite radio terrestrial broadcast format signal; and
>
> **a system for distributing said recoded IF signal**. (Emphasis added.)

None of the references, including those cited but not applied, taken alone or in combination, teaches, discloses or suggests the invention as presently claimed. That is, none of the references teaches, discloses or suggests a satellite digital audio radio multipoint distribution system having a terrestrial repeater adapted to receive and recode satellite signals into IF signals and a system for distributing the recoded IF signals.

In the above-identified Office Action, the Examiner relied, once again, on Izadpanah. Izadpanah purports to teach a wideband wireless access local loop based on millimeter wave technology. The Examiner suggested *inter alia* that in Fig. 1 and column 3, lines 25 – column 4, line 34 Izadpanah discloses a satellite digital audio radio multipoint distribution system.

However, this assertion is in error. Izadpanah is an LMDS (Local Multipoint Distribution System), not an SDARS (Satellite Digital Audio Radio) system. To the extent a satellite system is disclosed by Izadpanah, it is a direct broadcast satellite system, not an SDARS system as presently claimed. This shortcoming is not overcome by the teachings of Dutta. Clearly, neither reference teaches, discloses or suggests a system for receiving SDARS signals. Applicants therefor object to the Examiner's steadfast refusal to accord patentable significance to the stated limitations of the claims. As the explicit SDARS limitations appear to carry no patentable weight, Applicants provide herewith a new claim (Claim 30) for consideration. Claim 30 tracks Claim 29 without SDARS limitations. For the reasons set forth herein, Claim 30 should be allowable along with Claims 17 – 29.

The Examiner correctly acknowledges that Izadpanah does not disclose a system or method for **recoding and distributing** the **IF** signal as presently claimed. The

Examiner suggests that this shortcoming is overcome by the teachings of Dutta. The Examiner asserts that in Fig. 1 and in column 8, lines 44 – column 9, line 28 Dutta teaches, *inter alia*, distributing an IF signal to a plurality of user stations. However, this teaching is not provided by Dutta.

First, it is noted that Applicants claims do not call for a 'recording' of a signal. The received signal is 'recoded'. Hence, the Examiner's assertion that Dutta teaches means for "recording (storing)" the IF signal is not understood. Further, there is no element 24 in Dutta.

More importantly, no means is taught in Dutta for distributing a recoded IF signal. In Fig. 1 of the reference, an RF satellite signal appears to be received by an antenna 150 which is demodulated and distributed to a plurality of user stations by an earth station 140. Hence, the question is whether the earth station 140 distributes the signals at an intermediate frequency (IF). Fig. 2 provides detail on the earth station 140.

As shown in Fig. 2, the received signal is apparently processed by an RF transceiver 176 and an IF transceiver 174. After passing through the IF transceiver 174, the received signal is processed by a demodulator 197. Fig. 4 provides more detail on the demodulator 197 of Fig. 2.

As shown in Fig. 4, the demodulator 197 includes a burst demodulator 198 and a message demodulator 199. Those skilled in the art will appreciate that the demodulation of an IF signal (particularly to a digital signal as shown in Fig. 4) yields a signal (typically at baseband) which is no longer an IF signal. Hence, a distribution of the demodulated signal is not tantamount to a distribution of an IF signal as presently claimed. Consequently, the invention as presently claimed is not obvious in view of the combined teachings of Izadpanah and Dutta. Marko was cited as teaching an XM radio formatted signal. However, Marko does not address the shortcomings of Izadpanah and Dutta. Inasmuch as all of the pending claims include limitations addressed to the distribution of an IF signal, all of the present claims should be allowable.

Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
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